

**CITY OF GOODYEAR
CITY COUNCIL ACTION FORM**

SUBJECT: Ordinance No. 2004-900 amending Ordinance No. 92-473 by adding stipulation #14 to allow for a fifty-foot (50') maximum building height for the Palm Valley Office Park Phase III office building proposed on the 5.16-acre parcel generally located west of the northwest corner of Litchfield and McDowell Roads within Phase II of the Palm Valley Master Plan (Case Z-05-04).

STAFF PRESENTER: Brett Burningham,
Planner I

COMPANY CONTACT: Mitch Rosen,
SunCor Development Company

RECOMMENDATION:

Planning & Zoning Commission recommend City Council adopt Ordinance No. 04-900 amending Ordinance No. 92-473 by adding stipulation #14 as follows:

Stipulation #14: The maximum allowable building height permitted upon the 5.16-acre parcel located west of the northwest corner of Litchfield and McDowell Roads within Phase II of the Palm Valley Master Plan shall be fifty feet (50') in order to allow for the construction of a three-story office building (Palm Valley Office Park Phase III).

COMMUNITY BENEFIT:

- The amendment to the maximum allowable building height for this property will permit the construction of a three-story office building containing "Class A" leasing space.
- Based on the City's fiscal impact analysis, the Palm Valley Phase III office building will result in an overall positive fiscal impact to the general fund over a ten-year period.
- The additional building height requested will provide for a building design that is accordance with the architecture that has been established for the overall site and will compliment the architecture of the existing Phase I and II office buildings. In addition, a three-story building in this area will provide for variety in building massing and will provide an additional pedestrian plaza on the site.

DISCUSSION:

Case Z-05-04 is an application submitted by SunCor Development Company requesting an amendment to Ordinance No. 92-473, which was the original PAD for Palm Valley and vested the zoning of SunCor's land lying west of Litchfield Road, now known as Phase II of the Palm Valley Master Plan.

The original Palm Valley Office Park Site Plan (Case S-12-98) approved four (4) office buildings, to be developed in four (4) phases. Two, two-story office buildings currently exist

on the site. At this time, SunCor desires to amend the Site Plan and build only one (1) additional three-story office building for the third and final phase of the Palm Valley Office Park.

This PAD amendment would increase the maximum allowable building height from thirty feet (30') to fifty feet (50') and permit the construction of a three-story office building. In addition to visually complimenting Phases I and II of the Palm Valley Office Park, Phase III will anchor the development with a building that will provide even better views of the Palm Valley Golf Course and White Tank Mountains for office tenants.

The 1992 zoning action provided a designation of Mixed-Use Commercial (MUC) for this property. The Mixed-Use Commercial (MUC) classification of the Palm Valley Master Plan is the equivalent to the City of Goodyear's General Commercial (C-2) Zoning District, which provides a maximum allowable building height of thirty-feet (30') citywide (*parapet walls or cornices may extend to a maximum of five feet (5') above the building height limit per Article VIII 8-3 C*). The highest point of the roofline for the office building is proposed to be forty-eight feet (48') (see attached conceptual site plan and building elevations). The Phase III office building is proposed to be approximately thirteen (13') feet taller than the existing office buildings.

This proposal requires Planning & Zoning Commission and City Council approval of an amendment to Ordinance No. 92-473 to add stipulation #14 addressing the maximum building height of this parcel only. Approval of this request will not affect any other parcels that were part of the original zoning action, including the remainder of the Palm Valley Office Park.

The Palm Valley Office Park Phase III office building is bounded by office development to the east and west, retail development to the south, and a golf course to the north thereby posing no impact to single-family residential development. The architecture of the Palm Valley Office Park Phase III office building, as designed by Nelson Architects Inc, compliments the architecture of the Phase I and II office buildings both of which have been previously recognized by the National Association of Office and Industrial Properties with the Phase II building winning the award this past year for the Office Building of the Year under 75,000 square feet.

Staff supports this request for the proposed amendment to the Palm Valley Phase III Office building height. The site of the building is an appropriate location for a three-story building as it is not in the vicinity of single-family residential properties. Further, the fifty foot (50') building height would provide a transition in building height from the Litchfield Road frontage. The proposed architecture of the Phase III building is in accordance with the architecture that has been established for the overall site and a three-story building in this area would provide for variety in building massing as stated in the General Commercial chapter of the Goodyear Design Guidelines. Additionally, the development will create an additional pedestrian plaza on the site.

Should the City Council approve this request, the development is then subject to compliance with the Site Plan Review and construction plan review processes at which time all aspects of site development will be reviewed, including, but not limited to, architecture, landscaping, grading and drainage, infrastructure, parking, access, and circulation.

This case was presented to the Planning and Zoning Commission at their regular meeting on April 21, 2004. Questions discussed at the Commission Meeting included why the master site plan had been amended to include only one (1) building, thereby decreasing potential office space. Mr. Rosen responded that there was not enough parking to accommodate two additional office buildings at the Palm Valley Office Park. The Commission also asked how far the proposed three-story office building is from the building to the west. The Phase III office building is approximately one-hundred fifty feet (150') from the west edge to the property line.

The Planning and Zoning Commission recommended approval of this PAD amendment at their regular meeting on April 21, 2004 with a unanimous vote of 7 to 0.


FISCAL IMPACT:

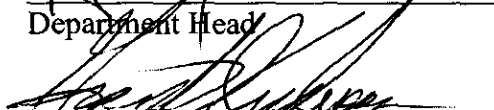
The proposed building height amendment does not directly impact the City's general fund. However, the proposed office building will result in an overall positive fiscal impact upon the City's general fund through construction sales tax and any retail sales tax revenues that may be generated by individual tenants.

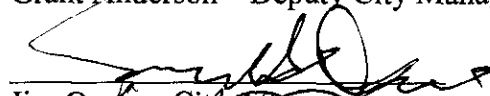
ALTERNATIVES:

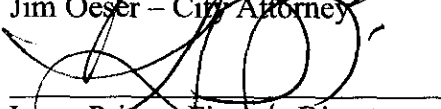
The alternatives to approving this request for a zoning amendment include a continuance or a denial of the application. A continuance would be a viable alternative should Council recognize certain aspects of the request that require additional evaluation. City Council may elect to deny this zoning amendment application if Council views the requested height waiver as inappropriate in the proposed location or contradictory to the goals and objectives of the General Plan, the Palm Valley Master Plan and the Zoning Ordinance. Should Council choose to deny this request, the applicant will be subject to compliance with the current commercial development standards provided for in the City of Goodyear Zoning Ordinance which allow for a maximum building height of thirty-feet (30').

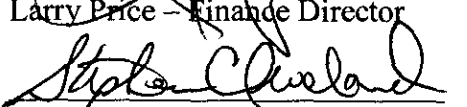
REVIEWED BY:


Department Head


Grant Anderson – Deputy City Manager


Jim Oeser – City Attorney


Larry Price – Finance Director


Stephen Cleveland – City Manager

PREPARED BY:


Brett D. Burningham – Planner I

ORDINANCE 04-900

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, STATE OF ARIZONA ADDING STIPULATION NO. 14 TO ORDINANCE NO. 92-473 TO PROVIDE FOR A MAXIMUM BUILDING HEIGHT OF FIFTY FEET FOR PALM VALLEY OFFICE PARK PHASE III ON THE 5.16-ACRE PARCEL LOCATED WEST OF THE NORTHWEST CORNER OF LITCHFIELD AND MCDOWELL ROADS WITHIN PHASE II OF THE PALM VALLEY MASTER PLAN; PROVIDING FOR SEPARABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Goodyear Planning and Zoning Commission held a public hearing on Zoning Case Z-05-04 on April 21, 2004, in the manner prescribed by law, for the purpose of considering the addition of Stipulation No. 14 to Ordinance No. 92-473 to provide for a maximum building height of fifty feet for Palm Valley Office Park Phase III on the 5.16-acre parcel located west of the northwest corner of Litchfield and McDowell Roads within Phase II of the Palm Valley Master Plan of the rezoned property;

WHEREAS, due and proper notice of such public hearing before the City of Goodyear Planning and Zoning Commission was given in the time, form, substance and manner provided by law including publication of such notice in THE WEST VALLEY BUSINESS on March 31, 2004; and,

WHEREAS, the City of Goodyear Planning and Zoning Commission has recommended to the Mayor and Council of the City of Goodyear, Arizona that it add Stipulation No. 14 to Ordinance No. 92-473 providing for a maximum building height of fifty feet for construction of an office building on the parcel located west of the northwest corner of Litchfield and McDowell Roads within Phase II of the Palm Valley Master Plan of the rezoned property of the rezoned property.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Goodyear, Arizona that:

SECTION I. Amendment to Ordinance No. 92-473. Stipulation No. 14 is hereby added to read as follows:

Stipulation # 14: The maximum allowable building height permitted upon the 5.16-acre parcel located west of the northwest corner of Litchfield and McDowell Roads within Phase II of the Palm Valley Master Plan shall be fifty feet (50') in order to allow for the construction of a three-story office building (Palm Valley Office Park Phase III).

SECTION II. Separability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or competent

5/3/04

jurisdiction, such portion shall be deemed separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION III. Effective Date. This ordinance shall become effective at the time and in the manner prescribed by law.

PASSED AND ADOPTED by the Mayor and Common Council of the City of Goodyear, Arizona, this 24TH day of May, 2004.

APPROVED this 24TH day of May, 2004.

James M. Cavanaugh, Mayor

Date

ATTEST:

Dee Cockrum, City Clerk

APPROVED AS TO FORM:

James H. Oeser, City Attorney

5/3/04

CERTIFICATION OF RECORDING OFFICER

STATE OF ARIZONA

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)ss.

County of Maricopa)

I, the undersigned, Dee Cockrum, being the duly appointed, qualified and acting City Clerk of the City of Goodyear, Maricopa County, Arizona, certify that the foregoing Ordinance No. 2004-900 is a true, correct and accurate copy of Ordinance No. 2004-900, passed and adopted at a regular meeting of the Council of the City of Goodyear, Maricopa County, Arizona, held on the 24th day of May, 2004, at which a quorum was present and, by a _____ vote, voted in favor of said ordinance.

Given under my hand and sealed this _____, 2004.

City Clerk

ORDINANCE 92-473

AN ORDINANCE OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA PROVIDING FOR THE VESTING OF ZONING ON A PORTION OF LAND CONDITIONALLY REZONED TO FINAL PLANNED AREA DEVELOPMENT PURSUANT TO ZONING CASE Z-7-89 AND CITY OF GOODYEAR ORDINANCE NO. 89-292 AND INCLUDED IN THE SUPPLEMENTARY ZONING MAP NO. 89-34 ADOPTED AND APPROVED IN CITY OF GOODYEAR ORDINANCE 89-292; PROVIDING FOR SEPARABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Mayor and Council of the City of Goodyear, Maricopa County, Arizona adopted Ordinance 89-292 on October 10, 1989 and therein approved Rezoning Case Z-7-89 and Supplementary Zoning Map 89-34 rezoning the land described therein which included the land described in Exhibit A attached hereto and incorporated herein by reference thereto; and;

WHEREAS, SunCor Development Company, the Applicant in Rezoning Case Z-7-89 has requested that that portion of the land rezoned in said Zoning Case to the extent described in Exhibit A be vested; and

WHEREAS, sufficient expenditures for planning and engineering have been made by SunCor Development Company to warrant the vesting of zoning for that portion of land described in Rezoning Case Z-7-89 described in Exhibit A hereof and which is located west of Litchfield Road, in the City of Goodyear, Maricopa County, Arizona.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Goodyear, Arizona that:

SECTION 1:

The zoning of a portion of land rezoned pursuant to Rezoning Case Z-7-89 described in Exhibit A attached hereto shall hereby be in the same and the same is hereby vested as Planned Area Development, subject, however, to the following conditions:

1. Compliance with the P.A.D. Zoning District criteria and with all State, County and City Codes and Ordinances;
2. Compliance with the SunCor Development Agreement No. 1 entered into by SunCor and the City of Goodyear;
3. Compliance with the development concepts contained in the Planned Area Development Master Plan Program report dated July 26, 1989, and made part of the rezone request, and the amended Land Use Plan dated October 6, 1992;

4. Minor amendments to the proposed land use concept and configuration shall be approved by the Community Development Director;
5. Approval of the Wastewater Master Plan and the M.A.G. 208 Plan, covering the entire land, including that described in Exhibit A, rezoned pursuant to Ordinance 89-292 of the City of Goodyear, Maricopa County, Arizona, as requested in Rezoning Case Z-7-89 or any amendments thereto, by the Mayor and Council of the City of Goodyear, Arizona;
6. Approval of the Water Supply Master Plan and Master Drainage Report, or any amendments thereto;
7. The provision of adequate water supply to accommodate the proposed development of the rezoned lands;
8. The dedication of all necessary rights-of-way, easements, open space and parks, retention areas, and drainage ways as required by the City;
9. Approval of the Dry Utility and Traffic Analysis Reports, or any amendments thereto;
10. Approval of other Master reports and amendments thereto which may be submitted from time to time and which pertain to the rezoned property;
11. Roadways abutting A.D.O.T. retention areas being used for access thereto;
12. The inclusion of a public safety site (fire and police) southwest of Litchfield and Thomas Roads, the specific site to be approved by Goodyear's Fire Chief and Police Chief; and
13. In compliance with SunCor Development Company's letter of October 14, 1992, signed by Jay T. Ellingson, SunCor, parcels in proximity to public schools shall be restricted to limited commercial, office, and/or high density residential, with restaurants, neighborhood shopping, and liquor and food sales specifically excluded.

SECTION 2: Separability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 3: Effective Date.

This Ordinance shall become effective at the time and in the manner prescribed by law.

PASSED AND ADOPTED by the Mayor and Council of the City of Goodyear, Arizona, this 10th day of November, 1992.

Cliff K. Low
Mayor

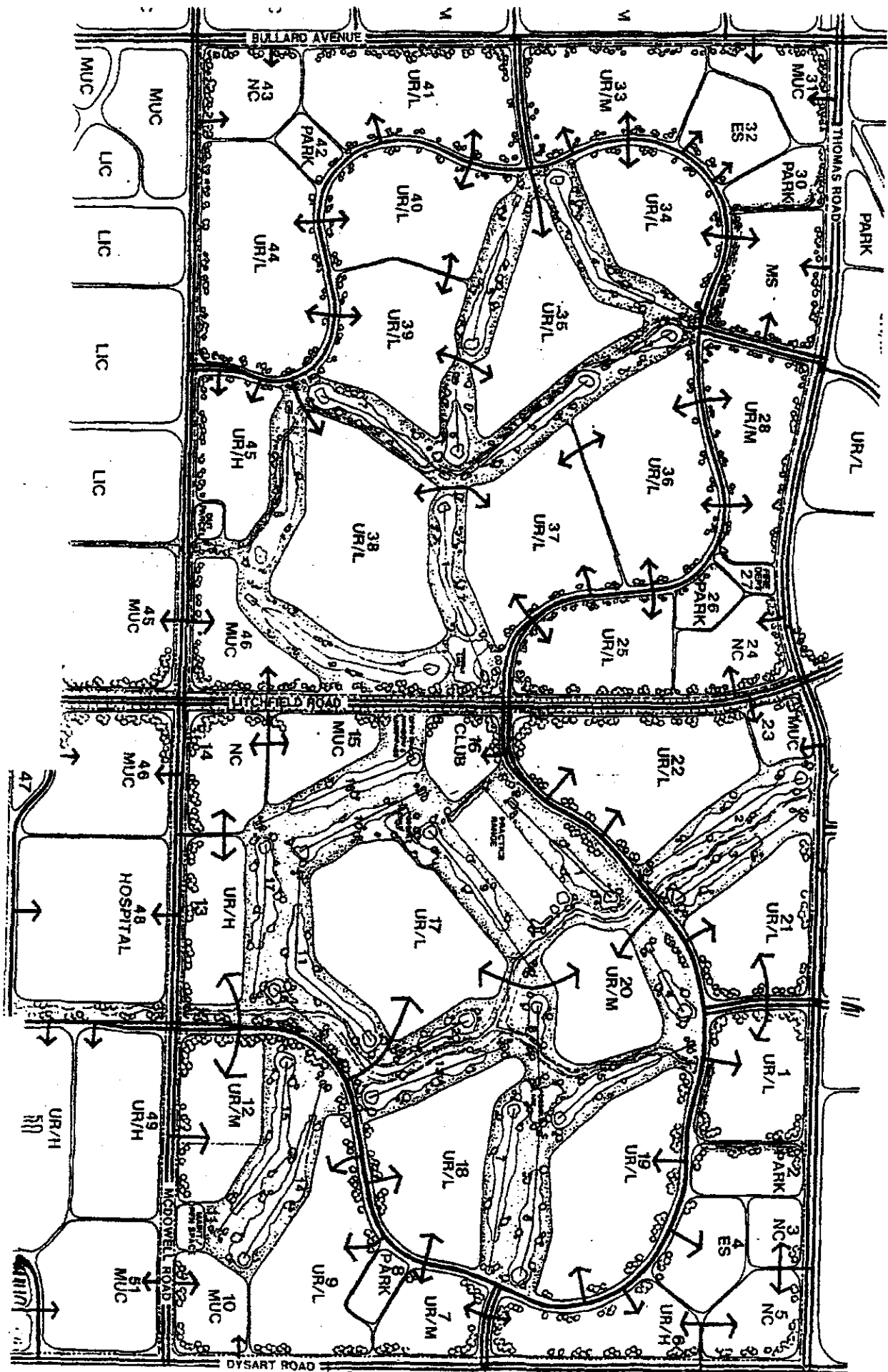
11-10-92
Date Signed

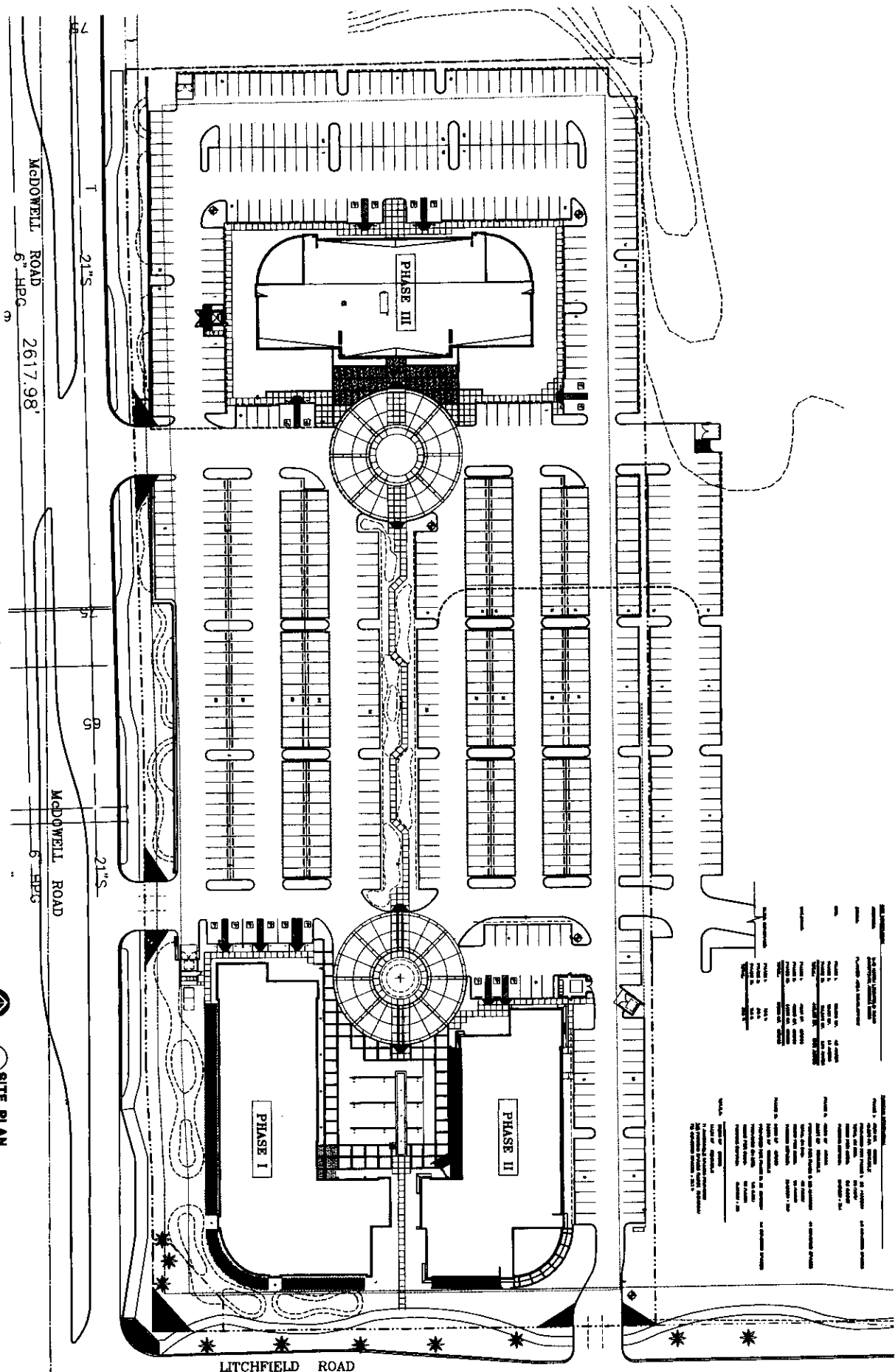
ATTEST:

Barbara A. Runaway
City Clerk

APPROVED AS TO FORM:

Ronald L. Keyser
City Attorney





PHASE I

NO.	DESCRIPTION	AREA (SQ. FT.)	AREA (AC.)
1	PHASE I BUILDING	10,000	0.23
2	PHASE I PARKING	10,000	0.23
3	PHASE I DRIVEWAY	1,000	0.02
4	PHASE I LANDSCAPING	1,000	0.02
5	PHASE I TOTAL	22,000	0.50

PHASE II

NO.	DESCRIPTION	AREA (SQ. FT.)	AREA (AC.)
1	PHASE II BUILDING	10,000	0.23
2	PHASE II PARKING	10,000	0.23
3	PHASE II DRIVEWAY	1,000	0.02
4	PHASE II LANDSCAPING	1,000	0.02
5	PHASE II TOTAL	22,000	0.50

PHASE III

NO.	DESCRIPTION	AREA (SQ. FT.)	AREA (AC.)
1	PHASE III BUILDING	10,000	0.23
2	PHASE III PARKING	10,000	0.23
3	PHASE III DRIVEWAY	1,000	0.02
4	PHASE III LANDSCAPING	1,000	0.02
5	PHASE III TOTAL	22,000	0.50